

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**THOMAS E. BACKMAN,**

**CV No. 06-1845-BR**

Petitioner,

~~Proposed~~

v.

**BRIAN BELLEQUE, as Superintendent,  
Oregon State Penitentiary,**

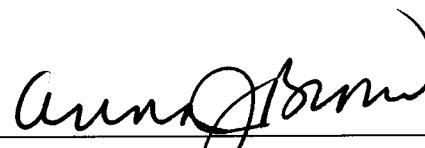
**ORDER GRANTING UNOPPOSED  
MOTION TO VOLUNTARILY  
DISMISS HABEAS PETITION**

Respondent.

This matter has come before the court on the motion of petitioner, Thomas Backman, to voluntarily dismiss his habeas petition with leave to re-open in the event that the ruling in *Blakely v. Washington*, 542 U.S. 296 (2004), is ever deemed retroactive to cases on collateral review. Finding good cause exists to grant that motion it is hereby:

ORDERED that the petition for writ of habeas corpus filed in this matter is dismissed without prejudice. In the event that the decision in *Blakely v. Washington* is ever deemed retroactive and applicable to cases on collateral, Petitioner is granted 60 days from such a ruling to move to reopen this case to raise any *Blakely*-based issues, and may amend his petition to assert any and all such claims. The statute of limitations period applicable to the *Blakely*-based claims will be deemed tolled from the date of the filing of the petitioner's original petition to the date 60 days after the decision rendering *Blakely* retroactive. If the action is reopened, Respondent may assert any procedural defenses that were available when this Order issued.

Issued this 11<sup>th</sup> day of October, 2007.

  
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The Honorable Anna J. Brown  
United States District Court Judge

Submitted by:

/s/ C. Renée Manes  
C. Renée Manes  
Attorney for Defendant